

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN (DUBUQUE) DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	No. 19-CR-1004-CJW-MAR
)	
vs.)	
)	
BRANDON JAMES SEYS,)	
)	
Defendant.)	

**MOTION TO STRIKE DEFENDANT'S UNTIMELY MOTIONS TO QUASH
SEARCH WARRANTS AND SUPPRESS EVIDENCE AND DISMISS**

Plaintiff, United States of America, respectfully requests the Court enter an order striking defendant's motion to quash search warrants and suppress evidence filed on May 16, 2019, at docket 18, motion to suppress the search of a hotel room filed on May 24, 2019, at docket 20, and motion to dismiss filed on June 4, 2019, at docket 34. In support of this motion the government states the following:

1. On April 5, 2018, the defendant filed an uncontested motion to continue the trial and deadlines. (Docket at 11). The Court issued an order to granting the motion to continue trial, but declining to continue the pre-trial motion deadlines. (Docket at 12).

2. The Court previously set the pretrial motion deadlines for March 25, 2019. (Docket at 9). On May 16, 2019, defendant filed an untimely motion to quash search warrants and suppress evidence alleging that law enforcement violated the Fourth Amendment when they relied upon a search warrant to utilize GPS trackers

on his vehicles because the warrant affidavit lacked probable cause, and there were omissions in the affidavit and seeking to suppress subsequent warrants as fruit of the poisonous tree. (Docket 18, 18-1). On May 24, 2019, defendant then filed another untimely motion to suppress the search of a hotel room that supplemented his previous motion regarding one of the subsequent searches at a hotel room alleging a further omission in the affidavit of that warrant. (Docket at 20, 20-1). Defendant did file a motion to dismiss on June 4, 2019, approximately 34 days after this Court's deadline had passed. (Docket 34). Defendant did not file a motion for leave to file an untimely motion nor was the same granted for the motions to suppress and the motion to dismiss.

For the above stated reasons, the government respectfully requests that the Court strike defendant's motions. A brief in support of this motion will be filed.

Respectfully submitted,

PETER E. DEEGAN, JR.
United States Attorney

By, /s/ *Emily K. Nydle*

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CERTIFICATE OF SERVICE

I hereby certify that on June 11, 2019,
I electronically filed the foregoing with the
Clerk of Court using the ECF system which
will send notification of such filing to the
parties or attorneys of record.

UNITED STATES ATTORNEY

BY: /s/ RAL